

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

P.S - Commercial Taxes Department - Allegation of acquisition of assets Disproportionate to the known sources of legal income against Sri Dowlath Khan, formerly Assistant Commercial Tax Officer, Perecherla Check post, O/o the Commercial Tax Officer, Sattenapalli, Guntur District - Case Registered - Departmental action initiated for violation conduct Rules, 1964 - Charge Memo Issued - Written Statement of Defense submitted - Enquiry report submitted - Further action dropped - Orders - Issued.

REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Rt.No. 1379

Dated:21-09-2012.

Read the following:

1. From the DG, ACB., 143/RCA-VGT/2001, Dated: 05.01.2006.
2. G.O.Ms.No.449, Revenue (Vig. I) Dept., Dt: 14.4.2006.
3. G.O.Rt.No.764 Revenue (Vig.I) Department, dt.15.4.2006
4. Written Statement of Defence of Sri Dowlath Khan, ACTO (Retd.), Dt. 1.6.2007.
5. G.O.Rt.Nos.1826 & 1827, Revenue (Vig.I) Department, dt.20.8.2007.
6. CCTs.Ref.V3. 344/2002, Dt.13.6.2008 & 21.11.2009.
7. From the AC(CT), VMU.II, Guntur, Rc.No.2013/2007-C4, Dt.23.10.2009
8. Govt.Memo.No.57560/Vig.I(2)/2001-13,14, Dated.28.01.2010 & 12.5.2010.
9. Explanation of Sri Dowlath Khan, ACTO (Retd.), Dt.2.9.2010

ORDER:

In the reference 1st read above, the Director General, Anti Corruption Bureau among others, has stated that Sri Dowlath Khan, formerly Assistant Commercial Tax Officer, Perecherla Check Post, O/o. the Commercial Tax Officer, Sattenapalli, Guntur District acquired assets disproportionate to the known sources of his legal income and constructed house and received gifts without obtaining permission and violated the APCS (Conduct) Rules and hence recommended to prosecute the Accused Officer in a Court of Law for acquisition of disproportionate assets besides departmental action for violation of APCS (Conduct) Rules,1964.

2. In the reference 2nd read above sanction was accorded under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of A.P. Revised Pension Rules, 1980 for initiation of departmental proceedings against Sri Dowlath Khan, formerly Assistant Commercial Tax Officer, Perecherla Check Post, O/o the CTO, Sattenapalli, Guntur District, as he retired from service on attaining the age of superannuation. Charges were also framed against him for violation of APCS (Conduct) Rules, 1964 directing him to submit his written statement of defence, vide reference 3rd read above.

3. In the reference 4th read above, Sri Dowlath Khan, formerly Assistant Commercial Tax Officer, Perecherla Check Post, O/o the Commercial Tax Officer, Sattenapalli, Guntur District has submitted his written statement of defence. Government, after examination of the matter, appointed the Assistant Commissioner (Commercial Taxes), VMU-II, O/o. the Deputy Commissioner (Commercial Taxes), Guntur-II as Inquiry Officer and the Deputy Commercial Tax Officer, O/o. Commercial Tax Officer, Brodipet, Guntur as Presenting Officer to conduct enquiry into the charges framed against him vide reference 5th read above.

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4. In the reference 6th read above, the Commissioner of Commercial Taxes, Hyderabad has furnished inquiry reports, dated 8.2.2008, 16.5.2008 & 23.10.2009 of the Assistant Commissioner (Commercial Taxes), VMU-II, O/o. the Deputy Commissioner (Commercial Taxes), Guntur-II, wherein the Inquiring Authority held that out of 5 charges 4 charges were proved against Sri Dowlat Khan, formerly Assistant Commercial Tax Officer.

5. In the reference 8th read above, Government have communicated copies of inquiry reports to Sri Dowlat Khan, formerly Assistant Commercial Tax Officer under rule 21 (2) of APSCS (CC&A) Rules, 1991; directing him to submit his representation on the findings of Inquiry Officer for taking further action.

6. In the reference 9th read above, Sri Dowlat Khan, formerly Assistant Commercial Tax Officer, has submitted representation stating that he intimated all the transactions in his annual property statements and it is not necessary for him to take prior permission for such acquisition as per the decision of the Calcutta High Court in the case of Broja Ballav Ghose Vs. Union of India, 1986. He mentioned that he has retired from service on 31.12.2004 and the charge Memo was served to him on 27.02.2007 i.e., after a lapse of 2 years and odd and the allegations are related to the years 1985, 1979, 1982 and 1994 and it is barred by limitation under the provisions of A.P. Revised Pension Rules, 1980 and requested to drop further action against him.

7. Government have examined the matter and observe that the cause of action in respect of all the charges framed against the Delinquent Officer arose in the years 1985, 1979, 1982 and 1994. He retired from service on 31.12.2004 and therefore framing of charges in February, 2007 were barred by limitation of four years as per sub-clause (ii) of clause (b) of sub-rule (2) of rule 9 of A.P. Revised Pension Rules, 1980. Hence, it has been decided to drop further action against Sri Dowlat Khan, formerly Assistant Commercial Tax Officer.

8. Accordingly, Government hereby drop further action against Sri Dowlat Khan, formerly Assistant Commercial Tax Officer on violation of APSCS (Conduct) Rules, 1964.

9. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri Dowlatha Khan, formerly ACTO (Retired)
through the Commissioner of Commercial Taxes, A.P. Hyderabad.
The Commissioner of Commercial Taxes, A.P. Hyderabad

Copy to:

The Secretary to VC, A.P. Vigilance Commission, Hyderabad.
The Director General, Anti Corruption Bureau, Hyderabad.
The District Treasury Officer, Guntur District.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
The Revenue (CT.I) Department.
SF/SCs.

//Forwarded :: By Order //

SECTION OFFICER.